

# Exhibit 21

# **Expert Report**

**Of**

## **Arieh Spitzen**

***Weiss v. National Westminster Bank, Plc, 05 CV 4622 (DGT)(MDG)***  
***Applebaum v. National Westminster Bank, Plc, 07 CV 916 (DGT)(MDG)***

**Translated From Hebrew into English**

Al-Ghul was in jail in Israel between the years 1981 and 1992 for membership in Hamas, and was one of the *Marj al-Zuhur* deportees. In 1998 he was arrested for a short period by the Palestinian Authority. Al-Ghul was a member of the consultative council of the National Islamic Salvation Party, and a member of its Political Bureau.<sup>274</sup> Al-Ghul is a lecturer at the Islamic University of Gaza.<sup>275</sup> He heads the *Dar al-Haq wal-Qanun* Institute for Human Rights in Gaza, which provides counseling for Hamas prisoners.<sup>276</sup>

- **Isma'il Abd al-Salam Ahmed Haniya:**<sup>277</sup> Haniya served as a member of administrative board of *al-Jam'iya al-Islamiya*'s senior administrative body, and headed its club in Gaza for about ten years.<sup>278</sup> For years he served as Secretary of the Board of Trustees of the Islamic University of Gaza and as the University's Director of Academic Affairs.<sup>279</sup> Haniya joined *al-Kutla al-Islamiya* in the Islamic University of Gaza in 1981, and was a member until 1986. Since the end of the 90s Haniya served as head of Sheikh Ahmed Yassin's bureau. Haniya served periods of imprisonment in Israel, beginning with December 24, 1987, when he was arrested for 18 days. He was detained again on January 15, 1988, for six months, and again on May 18, 1989, for three years. Haniya was also one of the *Marj al-Zuhur* deportees. Since the middle of the 90s he has been a participant, on behalf of Hamas, in dialogue with other Palestinian factions and with the Palestinian Authority. His position in Hamas has strengthened greatly, both as a result of his closeness with Sheikh Ahmed Yassin and as a result of Israel's assassinations of other senior members of the movement, including Sheikh Yassin and Abd al-Aziz al-Rantisi.<sup>280</sup> Today Haniya serves as "Prime Minister" in the Hamas government in Gaza and as a member of the Palestinian Legislative Council representing Hamas.

- **Khalil Al-Qoqa** – For details, see the chapter on the leadership of *Al-Mujama Al-Islami*.

Among the heads of *al-Jam'iya al-Islamiya*'s branches in Gaza are included senior figures in the top leadership of Hamas. A number of examples:

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U6Qq7k%2bcOd87MDI46m9rUxJEpMO%2bi1s7o2b599qyFV8FE5eML92nv71iybO0n6P5UVBEium7u5NinKGyYXOUkh6hXh%2bGOKaYrP%2bpCnv8hBjLJLuiF%2fSL8N%2b0GtsYRP%2fBQlOn7NW3Xc%3d.

<sup>274</sup> <http://paldf.net/forum/showthread.php?t=183453&page=2>

<sup>275</sup> See Milstein, *The Green Revolution*, p. 153.

<sup>276</sup> <http://www.paldf.net/forum/showthread.php?t=284766>

<sup>277</sup> Regarding Isma'il Haniya, his life story, his various positions, his arrests and his central role in the supreme leadership of Hamas, see: Milstein, *The Green Revolution*, p. 147; Aviad, *Lexicon of the Hamas Movement*, pp. 84-86; Mishal and Sela, *Zman Hamas*, Yediot Aharonot, 1999 (corrected edition 2008), p. 61. See also [www.al-yemen.org/vb/archive/index.php/t-250811.html](http://www.al-yemen.org/vb/archive/index.php/t-250811.html) for details of his positions in the Islamic Society.

<sup>278</sup> <http://www.palestine-info.info/ar/default.aspx?xyz=U6Qq7k%2bcOd87MDI46m9rUxJEpMO%2bi1s7o3xysdneq8ZXGhHpkRR62U2A1%2bFnwdLRuXX1u1L35SkPINZUHFfCytCBwdnnBlf0jJ3a4FbjPEIOM%2boZ%2fstQuGEiu%2fTFEvAKGMtV7NiHLU%3d>; <http://www.elyamama.com/vb/showthread.php?t=6962>

<sup>279</sup> *Id.*

<sup>280</sup> *Id.*

- **Hashem Sadeq Abd al-Nabi al-Natshe:** Al-Natshe was Deputy Chairman of the ICSH in 1992 and was a signatory for the Society's bank account. Later, in the mid-1990s, he was appointed as Chairman of the ICSH<sup>450</sup> – a position in which he remained until 2000, when he was replaced by al-Junaydi.<sup>451</sup> In 2003, Khalid Mashaal, the present leader of Hamas, identified him as part of “a generation of Islamic personalities” in Hebron.<sup>452</sup> According to the material in my possession, I cannot determine whether Hashem al-Natshe is a Hamas operative. He is clearly an operative for the Muslim Brotherhood, and apparently belongs to the Jordanian faction of that organization, with all that this implies.

### **Structure and Activities**

The ICSH offices are located in Hebron's Hawaz neighborhood. The Society has branches in Shuyukh, Beit Ula, Yata, Dura, Bani Na'im, Beit Omar, Halhul, Tafuh, Dahariya and Samu'a. The Society is active in the fields of education (it operates orphanages, kindergartens, schools for boys and girls,<sup>453</sup> holds summer camps, supports student societies) and social welfare (it supports needy persons and families of inmates and martyrs<sup>454</sup> and enables the use of the Society's buildings as mourning halls for terrorists<sup>455</sup>). This activity on the part of the Society, which is considered to be a Hamas institution, reinforces the positive image of the movement, increases its prestige among the public and contributes to its image as a movement with “clean hands.”<sup>456</sup> This image is strengthened even further in light of the weakness of the Palestinian Authority and its inability to serve the population as behooves a proper government.

The operations of the ICSH are in line with the violent ideology of Hamas. The web site of the Islamic Students' Association (*al-Kutla al-Islamiya*) at the University of Hebron and the Hebron

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[http://ics-hebron.org/portal/index.php?option=com\\_content&view=category&layout=blog&id=114&Itemid=143&limitstart=5](http://ics-hebron.org/portal/index.php?option=com_content&view=category&layout=blog&id=114&Itemid=143&limitstart=5); <http://www.ynpu3.com/vb/showthread.php?t=1478>  
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<http://web.archive.org/web/20080104011129/http://www.qudsnet.com/arabic/news.php?maa=View&id=59512>;  
<http://nefafoundation.org/miscellaneous/HLF/WatsonMemo.pdf>.

<sup>450</sup> *U.S. v. HLF, et al.*, 3:04-CR-240-G, Islamic Charity Account p. 46. A letter dated 1996 from the ICSH to the Arab Bank in Hebron lists the members of the ICSH Executive Board; al-Natshe is listed as the “Chairman” of the ICSH.

<sup>451</sup> *al-Hayat*, April 26, 2000 – Appendix No. 1, p. 296.

<sup>452</sup> <http://web.archive.org/web/20040921032455/http://english.daralhayat.com/Spec/12-2003/Article-20031231-ccc34157-c0a8-01ed-0076-de146376aa96/story.html>.

<sup>453</sup> Interrogations of terrorists have disclosed that the Society's school buildings were used as locations for recruiting terrorists and encounters between them; *see* Appendix No. 1, pp. 300-308. It should also be noted that, in 2004, the principal of the Society's al-Rahma School, Nizar Nizam al-Din Sh'hade, was arrested by Israel for his ties to Hamas; *see*: <http://www.elaph.com/Politics/2005/1/33897.htm?sectionarchive=Politics>; [http://www.pchrgaza.org/files/w\\_report/arabic/2004/02-12-2004.htm](http://www.pchrgaza.org/files/w_report/arabic/2004/02-12-2004.htm); <http://www.alasra.ps/news.php?maa=View&id=6397>.

<sup>454</sup> A letter from Hamas inmates in Ashkelon Prison which was found in the offices of the Society in Hebron – *see* Appendix No. 1, pp. 169-171.

<sup>455</sup> *See* Appendix No. 1, pp. 300-308; *see also* Appendix No. 1, p. 309.

<sup>456</sup> *See* an AP article dating from 2001 – Appendix No. 1, pp. 275-285.

2006.<sup>515</sup> He was elected to the Palestinian Legislative Council on behalf of Hamas's Change & Reform Party.<sup>516</sup>

- **Fuaz Abd el-Rahman Hamdan:** Hamdan was a member of the Jenin Zakat Committee and the Financial and Administrative Manager of the al-Razi Hospital, which belongs to the Committee.<sup>517</sup> He was imprisoned by Israel for his Hamas activity, which included assistance to wanted persons and financing transactions in weapons. In 1997 he was again arrested for his activity related to the Jenin Zakat Committee.<sup>518</sup>
- **Nur al-Din Kamal Asad Tahaineih:** The computer expert of the Jenin Zakat Committee. Tahaineih was imprisoned from July 1994 to December 1994 for "assisting" a suicide bomber in a terrorist attack on a bus in Afula that year. He was imprisoned in Israel from January 1995 to January 1996 for his Hamas activity.<sup>519</sup>

### **Structure and Activities**

The offices of the Jenin Zakat Committee are located in downtown Jenin, near the building which holds the Palestinian Ministry for the *Waqf*. The Committee's operations in the areas of health and insurance, education, services for children and employment have increased the prestige of Hamas in the area and have given Hamas the image of an effective civilian movement with "clean hands," by contrast to the operations of the Palestinian Authority in the Jenin area, which were perceived for a long period of time as inappropriate and corrupt.

The *da'wa* activities of the Jenin Zakat Committee included, *inter alia*:

- **The al-Razi Hospital:** The Jenin Zakat Committee founded the al-Razi Hospital in 1991 and has been operating it since that year. The purpose of the Hospital is to supply the needs of the area, which is poor in resources and suffers from the absence of adequate medical services.<sup>520</sup>
- **Assistance to families of martyrs:** The Jenin Zakat Committee keeps lists of martyrs, including suicide bombers and persons who were killed in the war with Israel, and pays pensions to their families. Between January and March 2003, the Committee

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<sup>515</sup> [http://www.palestine-info.com/arabic/palestoday/reports/report2006\\_1/entkhabat06/entkhabat\\_tashre3i\\_06/jinin/7\\_1\\_06.htm](http://www.palestine-info.com/arabic/palestoday/reports/report2006_1/entkhabat06/entkhabat_tashre3i_06/jinin/7_1_06.htm)

<sup>516</sup> See Milstein, *The Green Revolution*, p. 219.

<sup>517</sup> [http://arabic.pnn.ps/index.php?option=com\\_content&task=view&id=11364&Itemid=37](http://arabic.pnn.ps/index.php?option=com_content&task=view&id=11364&Itemid=37).

<sup>518</sup> <http://nefafoundation.org/miscellaneous/HLF/WatsonMemo.pdf> (p.35).

<sup>519</sup> <http://nefafoundation.org/miscellaneous/HLF/WatsonMemo.pdf> (p.35).

<sup>520</sup> [http://www.insanonline.net/news\\_details.php?id=989](http://www.insanonline.net/news_details.php?id=989).

transferred, among other payments, financial grants to 47 persons, 33 of whom were relatives of Hamas operatives.<sup>521</sup>

- **Al-Ayman school and kindergarten:** This school and kindergarten are managed by Naal Ali Ahmad al-Amur. Al-Amur was arrested by the Palestinian Authority in December 2007, as part of the wave of arrests of Hamas members.<sup>522</sup>
- **Summer camps for children:** The Jenin Zakat Committee hosted a number of summer camps throughout the Jenin District, which are generally used for Islamic preaching. Some of the summer camps belong to the Committee's Quran study centers.<sup>523</sup> The camps are held once a year under the name "The Second Martyrs' Camp."

### **Identification with Hamas**

Clear evidence of the connection between the Jenin Zakat Committee and Hamas was discovered in searches which were performed by IDF troops on the following occasions: in early February 2003; October 11, 2003; and January 14, 2004. These searches revealed the vast financial support which the Jenin Zakat Committee gave to the families and relatives of suicide bombers, both from the *al-Qassam* Brigades and from other terrorist organizations.<sup>524</sup> The Jenin Zakat Committee transferred funds which were raised in other countries to families of suicide bombers and determined which persons were eligible for payment.<sup>525</sup> The evidence which was seized included the following correspondence:

- a. One of the letters which was sent from the Friends of the Emirates Society<sup>526</sup> to the Jenin Zakat Committee listed 12 names and instructions for transfer of monies to members of their families (10 were senior terrorists in the Jenin area; two were civilians who, to the best of our knowledge, were not involved in terrorist operations). Appearing in the letter, beside the names of the two civilians, were the words "not a martyr" (in Arabic, *laisa shahid*); in fact, in the reply by the Jenin Zakat Committee to the Friends of the Emirates Society, the names of the two civilians, who (apparently) died in a manner unrelated to terrorist incidents, were omitted.

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<sup>521</sup> See Appendix No. 1, pp. 352-362: the periodic report, which documents the transfers of monies to beneficiaries of the Jenin Zakat Committee for the months of January, February and March 2003. See also a similar document from December 2003: Appendix No. 1, pp. 373-381.

<sup>522</sup> [http://arabic.pnn.ps/index.php?option=com\\_content&task=view&id=22767&Itemid=35&tpl\\_color=pink](http://arabic.pnn.ps/index.php?option=com_content&task=view&id=22767&Itemid=35&tpl_color=pink).

<sup>523</sup> For example, in the summer of 2005, the Jenin Zakat Committee held summer camps in the Al-Ayman school compound. See: <http://www.al-ayyam.com/znews/site/template/article.aspx?did=20260&date=5/10/2005>.

<sup>524</sup> As set forth above, Hamas has undertaken, on a regular basis, to distribute funds to relatives of martyrs who are not connected to Hamas, in order to expand the public support for the organization and to substantiate its nature as a non-underground organization which operates in good faith and is interested in supporting the "resistance" against Israel, irrespective of the political affiliation of the "martyr."

<sup>525</sup> Appendix No. 1, pp. 391-394.

<sup>526</sup> *Id.*

***Al-Tadamun's* principal involvement in the support of Hamas terror is reflected in the transfer of funds from *al-Tadamun* to other *Zakat* committees and charitable societies that are part of Hamas's *da'wa* infrastructure, including the Jenin *Zakat* Committee and the Tulkarem *Zakat* Committee. *Al-Tadamun* also transfers funds to the families of Hamas terrorists, including suicide bombers associated with Hamas, and to terrorists associated with other terrorist organizations, such as Palestinian Islamic Jihad and the *al-Aqsa* Martyrs Brigades.<sup>661</sup>**

In searches of *al-Tadamun's* offices carried out in April 2002 by IDF troops, on October 27, 2007,<sup>662</sup> and on July 8, 2008,<sup>663</sup> the following items, *inter alia*, were found:

A picture and posters glorifying Imad Kamel al-Zbaidi, a member of Hamas and a member of the Islamic Bloc (*al-Kutla al-Islamiya*), which is the Hamas student organization in the universities of the West Bank and the Gaza Strip that serves as a source for recruiting Hamas operatives. The organization is involved in terror activity and many of its members ran terror cells, including Zbaidi, the terrorist who carried out the suicide bombing in Kfar Saba on April 22, 2001.<sup>664</sup>

"Martyr" kits, providing information about "martyrs," including the way in which they died and information about their families.<sup>665</sup>

Additional examples indicating *al-Tadamun's* ties to Hamas relate to the use made of the Society's buildings for setting up mourning tents for Hamas suicide terrorists. The following are a number of examples: the *al-Tadamun* Society set up a mourning tent for Hani Mustafa Rawajba, an *al-Qassam* Brigades operative who was killed while perpetrating a suicide attack.<sup>666</sup> Similarly, mourning tents were set up for senior Hamas terrorists Salah al-Din Darwazah and Yahya Ayyash. Following the death of Darwazah, a senior Hamas operative who was involved in support for *al-Qassam* Brigades operations in Nablus,<sup>667</sup> Hamas and the Darwazah family announced on July 26, 2001, that the traditional reception for mourners would be held for three days at *al-Tadamun's* hall, and that on the last day a memorial service would be held there. A similar service took place at *al-Tadamun* after Israel killed Ayyash, one of the senior terror operatives in the *al-Qassam* Brigades, who was responsible for suicide attacks in Israel.<sup>668</sup>

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<sup>661</sup> [http://www.terrorism-info.org.il/malam\\_multimedia/html/final/eng/sib/3\\_05/charity\\_2.htm](http://www.terrorism-info.org.il/malam_multimedia/html/final/eng/sib/3_05/charity_2.htm).

<sup>662</sup> <http://www.ccun.org/News/2007/October/27%20n/Israeli%20occupation%20forces%20storm%20charitable%20society%20catering%20for%20orphans%20in%20Nablus.htm>; <http://www.humanitarianibh.net/ngos/tadamon.htm>.

<sup>663</sup> <http://www.palestinemonitor.org/spip/spip.php?article514>.

<sup>664</sup> [http://www.terrorism-info.org.il/malam\\_multimedia/html/final/eng/sib/3\\_05/charity\\_2.htm](http://www.terrorism-info.org.il/malam_multimedia/html/final/eng/sib/3_05/charity_2.htm).

<sup>665</sup> W\_S096108.

<sup>666</sup> See Appendix No. 1, pp. 448-449: Invitation to visit Rawajba's mourning tent (p. 2).

<sup>667</sup> [http://www.phrmg.org/arabic/documents/assassination/Testimonies/salah\\_dorozah\\_2.htm](http://www.phrmg.org/arabic/documents/assassination/Testimonies/salah_dorozah_2.htm).

<sup>668</sup> <http://www.vahdet.com.tr/filistin/dokuman/kitap/kitap7/17.html>.